

ERIC J. HEIMANN
Assistant United States Attorney
Wyo. Bar # 6-4504
C. LEVI MARTIN
Assistant United States Attorney
Wyo. Bar # 6-3781
P. O. Box 668, Cheyenne, WY 82003
(307) 772-2124
Eric.Heimann@usdoj.gov
Christopher.Martin@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**One Cessna Airplane, Model Number
TU-206, bearing Tail Number N6214V
and Serial Number U206-1189,
and \$259,717 United States Currency,**

Defendant-Property.

SCOTT MICHAEL LEWIS,

Claimant.

Civil No. 14-CV-00151-ABJ

**UNOPPOSED MOTION TO DISMISS
FORFEITURE OF DEFENDANT-AIRPLANE**

The United States of America, by and through Assistant United States Attorney Eric Heimann, respectfully requests that the forfeiture allegation against the above-described Cessna airplane be dismissed. As described below, this Court forfeited the airplane in a related criminal prosecution of Claimant Scott Lewis. Therefore, it has been forfeited to the United States and there is no dispute regarding the plane which must be decided in this civil forfeiture. The government

has consulted with Claimant's counsel and understands that Claimant does not oppose this motion. In support of the requested dismissal, the United States offers the following.

On August 1, 2014, the United States filed a verified complaint seeking to forfeit the above-described \$259,717 (the Defendant-Currency) and Cessna airplane (the Defendant-Airplane). (Doc. 1 at 2-3.) Claimant Scott M. Lewis, by and through his attorneys David Michael and Joe Bustos, timely filed claims asserting an ownership and possessory interest in all or part of the Defendant-Property and then filed an answer to the complaint. (Docs. 9, 10 and 13.) No other claims or answers were filed in this action, and under Rule G(5) of the Supplemental Rules of Certain Admiralty Maritime Claims, Federal Rules of Civil Procedure, the time for filing a claim and answer has passed.

On January 14, 2016, the grand jury for the District of Wyoming charged Claimant Lewis with conspiracy and operating an unregistered aircraft in violation of 49 U.S.C. § 4606(b)(6)(A). *United States v. Lewis and Wiles*, No. 16-CR-019-J, Doc. 1 (D.Wyo.) (the Criminal Prosecution). Claimant Lewis pled guilty to operating an unregistered aircraft and was sentenced to probation on June 22, 2016. (Criminal Prosecution, Docs. 75, 104 and 106.) As part of the sentence, this Court forfeited the Defendant-Airplane. (*See Final Order of Forfeiture*, Criminal Prosecution, Doc. 126 (included herein as Attachment 1).)

The criminal forfeiture order has effectively forfeited the Defendant-Airplane and vested all right, title, and interest in the plane to the United States. Since there is no longer any dispute related to the Defendant-Airplane which must be resolved in this civil forfeiture proceeding, the government requests that the forfeiture allegations against the Defendant-Airplane be dismissed from this civil forfeiture action.

The only dispute remaining in this case will be the fate of the Defendant-Currency. On October 24, 2016, the government filed a joint notice of compromise which reported that the parties had entered into a verbal settlement agreement. (Doc. 87.) This agreement will resolve the remaining disputes and result in the entry of a forfeiture order against a portion of the Defendant-Currency. The government expects to file the signed settlement agreement and an accompanying motion for judgment of forfeiture against the Defendant-Currency no later than November 21, 2016.

WHEREFORE, for the reasons stated above, the United States requests that the Court dismiss the forfeiture allegations against the Defendant-Airplane.

Dated this 1st day of November, 2016.

Respectfully submitted,
CHRISTOPHER A. CROFTS
United States Attorney

By: /s/ Eric J. Heimann
ERIC J. HEIMANN
Assistant United States Attorney

CERTIFICATE OF SERVICE

It is hereby certified on the 1st day of November, 2016, a true and correct copy of the foregoing was served upon the following by the method(s) indicated below.

David M. Michael
Law Offices of David M. Michael
One Sansome Street, Suite 3500
San Francisco, CA 94104

☒ Electronic Filing
☐ U.S. Mail -- postage prepaid
☐ U.S. Mail -- certified
☐ Hand delivery

Joe D. Bustos
400 E 20th Street
Cheyenne, WY 82001

☒ Electronic Filing
☐ U.S. Mail -- postage prepaid
☐ U.S. Mail -- certified
☐ Hand delivery

/s/ Eric Heimann
United States Attorney's Office